

DEPARTMENT OF STATE A CDG/MR-
OUTGOING AIRGRAM

REVIEWED BY *[Signature]* DATE *1-16-52*

DATE *1-16-52*

Department of State

RDS ☒ of XDS ☐ EXL DATE

TS AUTH ☐ REACTION ☐

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TOKYO

A-477 Jan 16, 1952

1627

Subject: FCN Treaty with Japan. Mission's Despatch 924,
December 19.

This deals with the Japanese comment on Article XXI, paragraph 3.

The Department has proposed and secured the standard GATT reservation in other negotiations so far on the assumption that the country concerned is actually free to come into GATT; and that any failure on its part to be in GATT, being of its own choosing, does not affect the entire propriety of the reservation. Should this assumption not hold true in the case of Japan, the Department would agree that some kind of adjustment would need to be made. It is not the Department's desire to use the GATT reservation as a weapon to impose unequal trade relations. (See wording of Israel treaty, Article XXI, paragraph 3).

The Department's thinking as to exactly what might be the most suitable sort of solution to the novel problem posed by Japan is not yet crystallized. It is highly probable, however, that it would be in the nature of appropriate clarification or qualification, rather than deletion, of the paragraph in question. The Department will plan to instruct the Mission further on the matter at a later date. Meanwhile, the Mission may reassure the Japanese that the Department appreciates their point of view and is prepared to approach the problem visualized in a sympathetic manner, fully confident that a mutually satisfactory solution can be found.

Comments on the remainder of ref. despatch are contained in two separate airgrams.

EDW:HWalker:jn
1/16/52

ACHES *[Signature]*
(HW)

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Miss Espinshade
1/7/52

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DC/R Central Files

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